

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHAUNA M. RIDGLEY,

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. C13-5396 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 22), and Plaintiff Shauna Ridgley’s objections to the R&R (Dkt. 23).

On June 4, 2014, Judge Strombom issued the R&R recommending that the Court affirm the Administrative Law Judge’s (“ALJ”) decision that Ridgley is not disabled. Dkt. 22. On June 18, 2014, Ridgley filed objections. Dkt. 23.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72 (b)(3).

1 In this case, Ridgley asserts numerous objections to the R&R. The majority of
2 Ridgley's objections are based on a disagreement whether the ALJ's conclusions were
3 supported by substantial evidence. On these issues, the Court agrees with and adopts
4 Judge Strombom's R&R. With regard to the ALJ's rejection of the testimony of Jenny
5 Simons, the Court agrees with Ridgley that the ALJ relied on a false factual premise
6 regarding when Simons met Ridgley. The ALJ, however, found Simons to be
7 unobservant and substantial evidence supports the rejection of Simons's observations
8 based on Ridgley's continued illicit drug use. Moreover, Ridgley fails to show that any
9 error was harmful and the Court can confidently conclude that no reasonable ALJ, when
10 fully crediting the testimony, could have reached a different disability determination.
11 *Stout v. Commissioner, Social Sec. Admin.*, 454 F.3d 1050, 1056 (9th Cir. 2006).

12 Therefore, the Court having considered the R&R, Plaintiff's objections, and the
13 remaining record, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) The ALJ's decision is **AFFIRMED**; and
- 16 (3) This action is **DISMISSED**.

17 Dated this 14th day of August, 2014.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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